



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Department of Ecology AO # 06-13

Subject of possible rule making: This rule making will amend chapter 173-322 WAC, Remedial Action Grants and Loans. The rule making will propose amendments to:

- create provisions for an Extraordinary Financial Hardship loan program with deferred terms and conditions that may not be indefinite;
- address that Extraordinary Financial Hardship loans must be approved by the Director;
- address "general housekeeping" issues such as providing definition and reference clarifications

The anticipated revisions will impact small governmental entities with limited finances.

Statutes authorizing the agency to adopt rules on this subject: The Model Toxics Control Act (MTCA), chapter 70.105D RCW, provides the statutory authority for this rule. Specifically, RCW 70.105D.070 (7) provides Ecology authority to adopt rules for grant or loan issuance and performance for grant and loan programs

Reasons why rules on this subject may be needed and what they might accomplish: Rule revisions are necessary to create provisions for an Extraordinary Financial Hardship loan program with deferred terms and conditions that may not be indefinite. Extraordinary Financial Hardship loans must be approved by the Director. This rule making would allow small governmental entities with limited finances more loan options. The difference between the regular loans and the hardship loans is the complete inability to repay the loan under present circumstances (from any source of funding, whether insurance, bonds, taxes, etc.) and the Director approval to grant deferred terms and conditions. Other changes envisioned are minor and involve definition and reference clarifications.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

N/A

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe)

This rule making is to amend an existing rule. The public will be provided the opportunity to comment on the proposed rule. A minimum of one public hearing will be conducted. Additionally, the proposed amendments will be posted on the Department website and will be provided to parties that have identified themselves as interested parties.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

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8/29/06

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SIGNATURE

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